

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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in re:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03 MDL 1570 (GBD) (FM)

DEFAULT JUDGMENT

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On or around November 15, 2015, Plaintiffs filed a letter motion alleging numerous discovery infractions by Defendants Sana-Bell, Inc. and Sanabel al Kheer, Inc. (together, “Sanabel”); Plaintiff sought sanctions in the form of the entry of a default judgment, as well as attorneys’ fees and costs, and the striking of various confidentiality designations; Sanibel had until December 21, 2015 to respond; on that date, Sanabel sought an additional sixty days to further respond because counsel had been unable to connect with Sanabel’s sole representative for approximately twelve...months; Sanibel’s request was denied, and counsel was instructed to set forth whether there was “any Sanabel representative...authorized to direct Sanabel’s legal representation in these proceedings; on February 5, 2016, Sanabel’s counsel submitted a letter stating that he had “exhausted all avenues of attempted communication with his client...without success” and was not “able to provide a further response to Plaintiffs’ Motion...or to the Court’s Order; on February 22, 2016, Magistrate Judge Maas having issued a Report and Recommendation recommending that this Court enter default judgment against both Sanabel Defendants “because Sanabel is a defunct organization that lacks anyone who can direct its affairs;” Magistrate Judge Maas further recommended that Plaintiffs’ request for attorneys’ fees and costs be denied, because damages would likely amount to tens of millions of dollars, making attorneys’ fees ad costs superfluous or uncollectable; finally, Magistrate Judge Maas recommended that Plaintiffs’ request to strike Sanabel’s confidentiality designations be denied because the request was not supported by any

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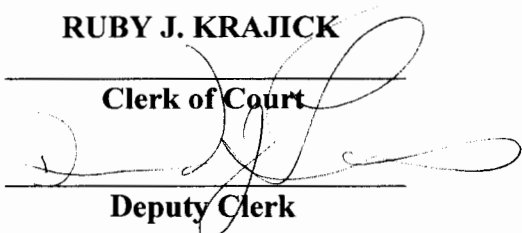
authority and was premature; the Report notified the parties of their right to object to the Report's findings and recommendations; Sanabel timely filed objections to the Report, urging the Court to reject the recommendation to issue default judgment against it because counsel finally was able to contact Sanabel's representative who indicated it was able and willing to further participate in this litigation; based on Sanabel's representations, this Court returned the matter to Magistret Judge Maas for further proceedings to determine whether the entry of default judgment was still the most appropriate adjudication of Plaintiffs' original letter motion; Recently, however, Sanabel informed this Court that it no longer objects to, and in fact request that default judgment be entered against it; Sanabel further requested that this Court adopt Magistrate Maas's recommendation denying Plaintiffs' request for attorneys' fees and costs, and the matter having come before the Honorable George B. Daniels, United States District Judge, and the Court, on July 13, 2016, having rendered its Memorandum Opinion and Order adopting the findings and recommendations set forth in the Report in their entirety, and directing the Clerk of Court to enter default judgment against Sanabel; denying Plaintiffs' request for attorneys' fees and costs, and also adopting Magistrate Maas's recommendation to deny Plaintiffs' request to strike Sanabel's confidentiality designation, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Opinion and Order dated July 13, 2016, the Court adopts the findings and recommendation set forth in the Report in their entirety; default judgment is hereby entered against Sanabel; Plaintiffs' request for attorneys' fees and costs are denied and Magistrate Judge Maas's recommendation to deny Plaintiffs' request to strike Sanabel's confidentiality designation is also adopted.

Dated: New York, New York
July 15, 2016

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON 7/15/2016**

RUBY J. KRAJICK

Clerk of Court
BY: 

Deputy Clerk